

AMENDED IN SENATE JUNE 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1314

Introduced by Assembly Member Parra

February 21, 2003

An act to amend ~~Section~~ Sections 290 and 290.3 of, to amend, repeal, and add Section 290.4 of, to add Section 290.45 to, and to add and repeal Section 290.41 of, the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as amended, Parra. Sex offenders.

Existing law requires adult offenders who have been convicted of any of a specified group of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register. Existing law also requires juvenile offenders as to whom a petition has been sustained for the commission of any of a different set of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register.

This bill would expand both the list of sexual charges for which adults are required to register and the analogous list for juveniles to include any statutory predecessor of a charge on the applicable list that includes all elements of that charge.

Existing law generally limits the release of statements, photographs, and fingerprints required by the sex offender registration law except as specified. However, existing law authorizes a law enforcement agency, when a peace officer reasonably suspects that a child or other person may be at risk from a sex offender convicted of any of a group of specified offenses that require registration, to provide certain

information about the offender that the agency deems relevant and necessary to protect the public, to specified persons, agencies, or organizations the offender is likely to encounter. This information includes such things as descriptions of the offender, vehicle information, the offender's address, and the offender's enrollment, employment, and vocational status with an institution of higher learning.

Other provisions in existing law provide for the dissemination by law enforcement entities of still more detailed information to the public concerning a narrower group of high-risk sex offenders, as specified.

This bill would specify that the general limitation on release of material related to sex registrants, in addition to covering statements, photographs, and fingerprints, extends to limit the release of information required of those registrants. This bill would recast those provisions described above that authorize law enforcement entities to disclose information on specified sex offenders by expanding the authorized disclosures. This bill would permit the disclosures to be made on all registered sex offenders, eliminate the requirement that the disclosures be made in certain instances only to those the offender is likely to encounter, and expand the information that may be disclosed to include the date of a registrant's last registration or reregistration, whether the registrant is in compliance with the registration requirements, and the registrant's volunteer status with an institution of higher education. This bill would also expand the types of law enforcement agencies authorized to disseminate information under these recast provisions to include every federal, state, or local agency expressly authorized by statute to investigate or prosecute law violators.

This bill would make additional and conforming changes in regard to these provisions.

Until January 1, 2004, existing law requires the Department of Justice to continually compile specified information categorized by community of residence and ZIP Code regarding any person required to register as a sex offender for a conviction for the commission or attempted commission of any specified sex offense. Existing law requires the Department of Justice to operate a "900" telephone number for people to inquire whether a named individual is among those specified registrants. Existing law also requires the department to provide a CD-ROM or other electronic medium containing a specified portion of the compiled sex offender information to certain law enforcement agencies. These law enforcement agencies are required to



make the CD-ROM or other electronic medium available for public viewing, as specified. Existing law makes unauthorized use of the CD-ROM or “900” telephone number information a misdemeanor, and requires reports be made by the department concerning the CD-ROM and “900” telephone number programs.

This bill would extend the expiration of these provisions to July 1, 2005, and would do the following: (1) expand the classes of information compiled by the department about this same group of registrants; and (2) delete references to CD-ROM’s, referring only to electronic media, or, where applicable, information provided by electronic medium. It would also, effective July 1, 2005, eliminate the “900” telephone number and CD-ROM programs and instead require the department to put specified information about listed offenders on the Internet and update that information on an ongoing basis. This information would include all the current CD-ROM information, as well as the dates of commission of the crimes for which a listed person must register and any other relevant information the department deems feasible to put on the Web site. The bill would also (1) require each visitor to the Web site to give a name and to state that he or she is not required to register, and seeks the information for specified proper purposes, similar to what is required in existing law for CD-ROM viewers; (2) make it a misdemeanor for a sex offender who is required to register to enter the Web site; (3) eliminate the existing requirements of annual and other reports by the department concerning the “900” telephone number and CD-ROM programs, and instead require an annual report on the Internet program with specified content; and (4) make conforming changes. These new provisions would become inoperative on July 1, 2008, and would be repealed on January 1, 2009.

Existing law requires agencies disseminating information from the CD-ROM or other electronic media and those agencies providing information on highest risk offenders as described above, to maintain a list of those who have viewed the information for at least 5 years.

This bill would continue that requirement regarding these provisions in spite of their repeal in this bill, and would require electronic acknowledgments required of users of the Web site to be maintained by the department for 2 years.

The bill would impose a state-mandated local program by expanding the duties of local law enforcement agencies and by expanding the scope of existing crimes.



Existing law requires persons ~~convicted of certain specified sexual offenses required~~ to register with local law enforcement officials, as specified. Existing law also requires these persons *for specified sexual offenses* to pay a fine, in addition to any imprisonment or fine imposed for commission of the underlying offense, in the amount of \$200 for a first conviction, and \$300 for a 2nd or subsequent conviction. These additional fines are transferred to the Sexual Habitual Offender Fund, the DNA Testing Fund, and counties that maintain a local DNA testing laboratory.

This bill would increase the amount of these fines to \$300 for a first conviction and \$500 for a 2nd or subsequent conviction.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: ~~no~~—yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 290 of the Penal Code is amended to*
 2 *read:*
 3 290. (a) (1) (A) Every person described in paragraph (2),
 4 for the rest of his or her life while residing in, or, if he or she has
 5 no residence, while located within California, or while attending
 6 school or working in California, as described in subparagraph (G),
 7 shall be required to register with the chief of police of the city in
 8 which he or she is residing, or if he or she has no residence, is
 9 located, or the sheriff of the county if he or she is residing, or if he
 10 or she has no residence, is located, in an unincorporated area or city
 11 that has no police department, and, additionally, with the chief of

1 police of a campus of the University of California, the California
2 State University, or community college if he or she is residing, or
3 if he or she has no residence, is located upon the campus or in any
4 of its facilities, within five working days of coming into, or
5 changing his or her residence or location within, any city, county,
6 or city and county, or campus in which he or she temporarily
7 resides, or, if he or she has no residence, is located.

8 (B) If the person who is registering has more than one residence
9 address or location at which he or she regularly resides or is
10 located, he or she shall register in accordance with subparagraph
11 (A) in each of the jurisdictions in which he or she regularly resides
12 or is located. If all of the addresses or locations are within the same
13 jurisdiction, the person shall provide the registering authority with
14 all of the addresses or locations where he or she regularly resides
15 or is located.

16 (C) If the person who is registering has no residence address,
17 he or she shall update his or her registration no less than once every
18 60 days in addition to the requirement in subparagraph (A), on a
19 form as may be required by the Department of Justice, with the
20 entity or entities described in subparagraph (A) in whose
21 jurisdiction he or she is located at the time he or she is updating the
22 registration.

23 (D) Beginning on his or her first birthday following
24 registration or change of address, the person shall be required to
25 register annually, within five working days of his or her birthday,
26 to update his or her registration with the entities described in
27 subparagraph (A). At the annual update, the person shall provide
28 current information as required on the Department of Justice
29 annual update form, including the information described in
30 subparagraphs (A) to (C), inclusive, of paragraph (2) of
31 subdivision (e).

32 (E) In addition, every person who has ever been adjudicated a
33 sexually violent predator, as defined in Section 6600 of the
34 Welfare and Institutions Code, shall, after his or her release from
35 custody, verify his or her address no less than once every 90 days
36 and place of employment, including the name and address of the
37 employer, in a manner established by the Department of Justice.

38 (F) No entity shall require a person to pay a fee to register or
39 update his or her registration pursuant to this section. The
40 registering agency shall submit registrations, including annual

1 updates or changes of address, directly into the Department of
2 Justice Violent Crime Information Network (VCIN).

3 (G) Persons required to register in their state of residence who
4 are out-of-state residents employed, or carrying on a vocation in
5 California on a full-time or part-time basis, with or without
6 compensation, for more than 14 days, or for an aggregate period
7 exceeding 30 days in a calendar year, shall register in accordance
8 with subparagraph (A). Persons described in paragraph (2) who
9 are out-of-state residents enrolled in any educational institution in
10 California, as defined in Section 22129 of the Education Code, on
11 a full-time or part-time basis, shall register in accordance with
12 subparagraph (A). The place where the out-of-state resident is
13 located, for purposes of registration, shall be the place where the
14 person is employed, carrying on a vocation, or attending school.
15 The out-of-state resident subject to this subparagraph shall, in
16 addition to the information required pursuant to subdivision (e),
17 provide the registering authority with the name of his or her place
18 of employment or the name of the school attended in California,
19 and his or her address or location in his or her state of residence.
20 The registration requirement for persons subject to this
21 subparagraph shall become operative on November 25, 2000. The
22 terms “employed or carries on a vocation” include employment
23 whether or not financially compensated, volunteered, or
24 performed for government or educational benefit.

25 (2) The following persons shall be required to register pursuant
26 to paragraph (1):

27 (A) Any person who, since July 1, 1944, has been or is hereafter
28 convicted in any court in this state or in any federal or military
29 court of a violation of Section 207 or 209 committed with intent
30 to violate Section 261, 286, 288, 288a, or 289, Section 220, except
31 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),
32 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of
33 subdivision (a) of Section 262 involving the use of force or
34 violence for which the person is sentenced to the state prison,
35 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
36 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
37 288a, 288.5, or 289, subdivision (b), (c), or (d) of Section 311.2,
38 Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section
39 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section
40 314, any offense involving lewd or lascivious conduct under

1 Section 272, or any felony violation of Section 288.2; *or any*
2 *statutory predecessor that includes all elements of one of the*
3 *above-mentioned offenses*; or any person who since that date has
4 been or is hereafter convicted of the attempt to commit any of the
5 above-mentioned offenses.

6 (B) Any person who, since July 1, 1944, has been or hereafter
7 is released, discharged, or paroled from a penal institution where
8 he or she was confined because of the commission or attempted
9 commission of one of the offenses described in subparagraph (A).

10 (C) Any person who, since July 1, 1944, has been or hereafter
11 is determined to be a mentally disordered sex offender under
12 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
13 of Division 6 of the Welfare and Institutions Code or any person
14 who has been found guilty in the guilt phase of a trial for an offense
15 for which registration is required by this section but who has been
16 found not guilty by reason of insanity in the sanity phase of the
17 trial.

18 (D) Any person who, since July 1, 1944, has been, or is
19 hereafter convicted in any other court, including any state, federal,
20 or military court, of any offense that, if committed or attempted in
21 this state, would have been punishable as one or more of the
22 offenses described in subparagraph (A) or any person ordered by
23 any other court, including any state, federal, or military court, to
24 register as a sex offender for any offense, if the court found at the
25 time of conviction or sentencing that the person committed the
26 offense as a result of sexual compulsion or for purposes of sexual
27 gratification.

28 (E) Any person ordered by any court to register pursuant to this
29 section for any offense not included specifically in this section if
30 the court finds at the time of conviction or sentencing that the
31 person committed the offense as a result of sexual compulsion or
32 for purposes of sexual gratification. The court shall state on the
33 record the reasons for its findings and the reasons for requiring
34 registration.

35 (F) (i) Notwithstanding any other subdivision, a person who
36 was convicted before January 1, 1976, under subdivision (a) of
37 Section 286, or Section 288a, shall not be required to register
38 pursuant to this section for that conviction if the conviction was for
39 conduct between consenting adults that was decriminalized by
40 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes

1 of 1976. The Department of Justice shall remove that person from
2 the Sex Offender Registry, and the person is discharged from his
3 or her duty to register pursuant to the following procedure:

4 (I) The person submits to the Department of Justice official
5 documentary evidence, including court records or police reports,
6 that demonstrate that the person's conviction pursuant to either of
7 those sections was for conduct between consenting adults that was
8 decriminalized; or

9 (II) The person submits to the department a declaration stating
10 that the person's conviction pursuant to either of those sections was
11 for consensual conduct between adults that has been
12 decriminalized. The declaration shall be confidential and not a
13 public record, and shall include the person's name, address,
14 telephone number, date of birth, and a summary of the
15 circumstances leading to the conviction, including the date of the
16 conviction and county of the occurrence.

17 (III) The department shall determine whether the person's
18 conviction was for conduct between consensual adults that has
19 been decriminalized. If the conviction was for consensual conduct
20 between adults that has been decriminalized, and the person has no
21 other offenses for which he or she is required to register pursuant
22 to this section, the department shall, within 60 days of receipt of
23 those documents, notify the person that he or she is relieved of the
24 duty to register, and shall notify the local law enforcement agency
25 with which the person is registered that he or she has been relieved
26 of the duty to register. The local law enforcement agency shall
27 remove the person's registration from its files within 30 days of
28 receipt of notification. If the documentary or other evidence
29 submitted is insufficient to establish the person's claim, the
30 department shall, within 60 days of receipt of those documents,
31 notify the person that his or her claim cannot be established, and
32 that the person shall continue to register pursuant to this section.
33 The department shall provide, upon the person's request, any
34 information relied upon by the department in making its
35 determination that the person shall continue to register pursuant to
36 this section. Any person whose claim has been denied by the
37 department pursuant to this clause may petition the court to appeal
38 the department's denial of the person's claim.

39 (ii) On or before July 1, 1998, the department shall make a
40 report to the Legislature concerning the status of persons who may

1 come under the provisions of this subparagraph, including the
2 number of persons who were convicted before January 1, 1976,
3 under subdivision (a) of Section 286 or Section 288a and are
4 required to register under this section, the average age of these
5 persons, the number of these persons who have any subsequent
6 convictions for a registerable sex offense, and the number of these
7 persons who have sought successfully or unsuccessfully to be
8 relieved of their duty to register under this section.

9 (b) (1) Any person who is released, discharged, or paroled
10 from a jail, state or federal prison, school, road camp, or other
11 institution where he or she was confined because of the
12 commission or attempted commission of one of the offenses
13 specified in subdivision (a) or is released from a state hospital to
14 which he or she was committed as a mentally disordered sex
15 offender under Article 1 (commencing with Section 6300) of
16 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
17 Code, shall, prior to discharge, parole, or release, be informed of
18 his or her duty to register under this section by the official in charge
19 of the place of confinement or hospital, and the official shall
20 require the person to read and sign any form that may be required
21 by the Department of Justice, stating that the duty of the person to
22 register under this section has been explained to the person. The
23 official in charge of the place of confinement or hospital shall
24 obtain the address where the person expects to reside upon his or
25 her discharge, parole, or release and shall report the address to the
26 Department of Justice. The official shall at the same time forward
27 a current photograph of the person to the Department of Justice.

28 (2) The official in charge of the place of confinement or
29 hospital shall give one copy of the form to the person and shall send
30 one copy to the Department of Justice and one copy to the
31 appropriate law enforcement agency or agencies having
32 jurisdiction over the place the person expects to reside upon
33 discharge, parole, or release. If the conviction that makes the
34 person subject to this section is a felony conviction, the official in
35 charge shall, not later than 45 days prior to the scheduled release
36 of the person, send one copy to the appropriate law enforcement
37 agency or agencies having local jurisdiction where the person
38 expects to reside upon discharge, parole, or release; one copy to the
39 prosecuting agency that prosecuted the person; and one copy to the

1 Department of Justice. The official in charge of the place of
2 confinement or hospital shall retain one copy.

3 (c) (1) Any person who is convicted in this state of the
4 commission or attempted commission of any of the offenses
5 specified in subdivision (a) and who is released on probation, shall,
6 prior to release or discharge, be informed of the duty to register
7 under this section by the probation department, and a probation
8 officer shall require the person to read and sign any form that may
9 be required by the Department of Justice, stating that the duty of
10 the person to register under this section has been explained to him
11 or her. The probation officer shall obtain the address where the
12 person expects to reside upon release or discharge and shall report
13 within three days the address to the Department of Justice. The
14 probation officer shall give one copy of the form to the person,
15 send one copy to the Department of Justice, and forward one copy
16 to the appropriate law enforcement agency or agencies having
17 local jurisdiction where the person expects to reside upon his or her
18 discharge, parole, or release.

19 (2) Any person who is convicted in this state of the commission
20 or attempted commission of any of the offenses specified in
21 subdivision (a) and who is granted conditional release without
22 supervised probation, or discharged upon payment of a fine, shall,
23 prior to release or discharge, be informed of the duty to register
24 under this section in open court by the court in which the person
25 has been convicted, and the court shall require the person to read
26 and sign any form that may be required by the Department of
27 Justice, stating that the duty of the person to register under this
28 section has been explained to him or her. If the court finds that it
29 is in the interest of the efficiency of the court, the court may assign
30 the bailiff to require the person to read and sign forms under this
31 section. The court shall obtain the address where the person
32 expects to reside upon release or discharge and shall report within
33 three days the address to the Department of Justice. The court shall
34 give one copy of the form to the person, send one copy to the
35 Department of Justice, and forward one copy to the appropriate
36 law enforcement agency or agencies having local jurisdiction
37 where the person expects to reside upon his or her discharge,
38 parole, or release.

39 (d) (1) Any person who, on or after January 1, 1986, is
40 discharged or paroled from the Department of the Youth Authority

1 to the custody of which he or she was committed after having been
2 adjudicated a ward of the juvenile court pursuant to Section 602
3 of the Welfare and Institutions Code because of the commission or
4 attempted commission of any offense described in paragraph (3)
5 shall be subject to registration under the procedures of this section.

6 (2) Any person who is discharged or paroled from a facility in
7 another state that is equivalent to the Department of the Youth
8 Authority, to the custody of which he or she was committed
9 because of an offense which, if committed or attempted in this
10 state, would have been punishable as one or more of the offenses
11 described in paragraph (3), shall be subject to registration under
12 the procedures of this section.

13 (3) Any person described in this subdivision who committed an
14 offense in violation of any of the following provisions shall be
15 required to register pursuant to this section:

16 (A) Assault with intent to commit rape, sodomy, oral
17 copulation, or any violation of Section 264.1, 288, or 289 under
18 Section 220.

19 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
20 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
21 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
22 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)
23 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of
24 Section 289, or Section 647.6.

25 (C) A violation of Section 207 or 209 committed with the intent
26 to violate Section 261, 286, 288, 288a, or 289.

27 (D) *A violation of any statutory predecessor that includes all of*
28 *the elements of one of the offenses listed in this paragraph.*

29 (4) Prior to discharge or parole from the Department of the
30 Youth Authority, any person who is subject to registration under
31 this subdivision shall be informed of the duty to register under the
32 procedures set forth in this section. Department of the Youth
33 Authority officials shall transmit the required forms and
34 information to the Department of Justice.

35 (5) All records specifically relating to the registration in the
36 custody of the Department of Justice, law enforcement agencies,
37 and other agencies or public officials shall be destroyed when the
38 person who is required to register has his or her records sealed
39 under the procedures set forth in Section 781 of the Welfare and
40 Institutions Code. This subdivision shall not be construed as

1 requiring the destruction of other criminal offender or juvenile
2 records relating to the case that are maintained by the Department
3 of Justice, law enforcement agencies, the juvenile court, or other
4 agencies and public officials unless ordered by a court under
5 Section 781 of the Welfare and Institutions Code.

6 (e) (1) On or after January 1, 1998, upon incarceration,
7 placement, or commitment, or prior to release on probation, any
8 person who is required to register under this section shall
9 preregister. The preregistering official shall be the admitting
10 officer at the place of incarceration, placement, or commitment, or
11 the probation officer if the person is to be released on probation.
12 The preregistration shall consist of both of the following:

13 (A) A preregistration statement in writing, signed by the
14 person, giving information that shall be required by the
15 Department of Justice.

16 (B) The fingerprints and a current photograph of the person.

17 (C) Any person who is preregistered pursuant to this
18 subdivision is required to be preregistered only once.

19 (2) A person described in paragraph (2) of subdivision (a) shall
20 register, or reregister if the person has previously registered, upon
21 release from incarceration, placement, or commitment, pursuant
22 to paragraph (1) of subdivision (a). The registration shall consist
23 of all of the following:

24 (A) A statement in writing signed by the person, giving
25 information as shall be required by the Department of Justice and
26 giving the name and address of the person's employer, and the
27 address of the person's place of employment if that is different
28 from the employer's main address.

29 (B) The fingerprints and a current photograph of the person
30 taken by the registering official.

31 (C) The license plate number of any vehicle owned by,
32 regularly driven by, or registered in the name of the person.

33 (D) Notice to the person that, in addition to the requirements of
34 paragraph (4), he or she may have a duty to register in any other
35 state where he or she may relocate.

36 (E) Copies of adequate proof of residence, which shall be
37 limited to a California driver's license, California identification
38 card, recent rent or utility receipt, printed personalized checks or
39 other recent banking documents showing that person's name and
40 address, or any other information that the registering official

believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to register but shall furnish proof of residence within 30 days of the day he or she is allowed to register.

(3) Within three days thereafter, the preregistering official or the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

(f) (1) If any person who is required to register pursuant to this section changes his or her residence address or location, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, the person shall inform, in writing within five working days, the law enforcement agency or agencies with which he or she last registered of the new address or location. The law enforcement agency or agencies shall, within three days after receipt of this information, forward a copy of the change of address or location information to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency or agencies having local jurisdiction of the new place of residence or location.

(2) If the person's new address is in a Department of the Youth Authority facility or a state prison or state mental institution, an official of the place of incarceration, placement, or commitment shall, within 90 days of receipt of the person, forward the registrant's change of address information to the Department of Justice. The agency need not provide a physical address for the registrant but shall indicate that he or she is serving a period of incarceration or commitment in a facility under the agency's jurisdiction. This paragraph shall apply to persons received in a Department of the Youth Authority facility or a state prison or state mental institution on or after January 1, 1999. The Department of Justice shall forward the change of address information to the agency with which the person last registered.

(3) If any person who is required to register pursuant to this section changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days. The law enforcement agency or agencies shall forward a copy of this information to the Department of Justice within three days of its receipt.

(g) (1) Any person who is required to register under this section based on a misdemeanor conviction or juvenile adjudication who willfully violates any requirement of this section is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year.

(2) Except as provided in paragraphs (5) and (7), any person who is required to register under this section based on a felony conviction or juvenile adjudication who willfully violates any requirement of this section or who has a prior conviction or juvenile adjudication for the offense of failing to register under this section and who subsequently and willfully violates any requirement of this section is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.

If probation is granted or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the person serve at least 90 days in a county jail. The penalty described in this paragraph shall apply whether or not the person has been released on parole or has been discharged from parole.

(3) Any person determined to be a mentally disordered sex offender or who has been found guilty in the guilt phase of trial for an offense for which registration is required under this section, but who has been found not guilty by reason of insanity in the sanity phase of the trial, or who has had a petition sustained in a juvenile adjudication for an offense for which registration is required under this section pursuant to subdivision (d), but who has been found not guilty by reason of insanity, who willfully violates any requirement of this section is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding one year. For any second or subsequent willful violation of any requirement of this section, the person is guilty of a felony and shall be punished

1 by imprisonment in the state prison for 16 months, or two or three
2 years.

3 (4) If, after discharge from parole, the person is convicted of a
4 felony or suffers a juvenile adjudication as specified in this
5 subdivision, he or she shall be required to complete parole of at
6 least one year, in addition to any other punishment imposed under
7 this subdivision. A person convicted of a felony as specified in this
8 subdivision may be granted probation only in the unusual case
9 where the interests of justice would best be served. When
10 probation is granted under this paragraph, the court shall specify
11 on the record and shall enter into the minutes the circumstances
12 indicating that the interests of justice would best be served by the
13 disposition.

14 (5) Any person who has ever been adjudicated a sexually
15 violent predator, as defined in Section 6600 of the Welfare and
16 Institutions Code, and who fails to verify his or her registration
17 every 90 days as required pursuant to subparagraph (E) of
18 paragraph (1) of subdivision (a), shall be punished by
19 imprisonment in the state prison, or in a county jail not exceeding
20 one year.

21 (6) Except as otherwise provided in paragraph (5), and in
22 addition to any other penalty imposed under this subdivision, any
23 person who is required pursuant to subparagraph (C) of paragraph
24 (1) of subdivision (a) to update his or her registration every 60 days
25 and willfully fails to update his or her registration is guilty of a
26 misdemeanor and shall be punished by imprisonment in a county
27 jail not exceeding six months. Any subsequent violation of this
28 requirement that persons described in subparagraph (C) of
29 paragraph (1) of subdivision (a) shall update their registration
30 every 60 days is also a misdemeanor and shall be punished by
31 imprisonment in a county jail not exceeding six months.

32 (7) Any person who fails to provide proof of residence as
33 required by subparagraph (E) of paragraph (2) of subdivision (e),
34 regardless of the offense upon which the duty to register is based,
35 is guilty of a misdemeanor punishable by imprisonment in a
36 county jail not exceeding six months.

37 (8) Any person who is required to register under this section
38 who willfully violates any requirement of this section is guilty of
39 a continuing offense.

(h) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the parole authority, the Youthful Offender Parole Board, or the court, as the case may be, shall order the parole or probation of the person revoked. For purposes of this subdivision, “parole authority” has the same meaning as described in Section 3000.

(i) Except as provided in ~~subdivisions (m) and (n) and Section 290.4~~ Sections 290.4 and 290.45, the statements, photographs, ~~and fingerprints, and information~~ required by this section shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.

(j) In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including firefighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person who is temporarily released under guard from the institution where he or she is confined.

(k) As used in this section, “mentally disordered sex offender” includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which, on or before January 1, 1976, was contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(l) (1) Every person who, prior to January 1, 1997, is required to register under this section, shall be notified whenever he or she next reregisters of the reduction of the registration period from 14 to five working days. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notification shall be a defense against the penalties prescribed by subdivision (g) if the person did register within 14 days.

(2) Every person who, as a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased

1 registration obligations. This notice shall be provided in writing by
2 the registering agency or agencies. Failure to receive this notice
3 shall be a defense against the penalties prescribed by paragraph (5)
4 of subdivision (g).

5 ~~(m) (1) When a peace officer reasonably suspects, based on~~
6 ~~information that has come to his or her attention through~~
7 ~~information provided by any peace officer or member of the~~
8 ~~public, that a child or other person may be at risk from a sex~~
9 ~~offender convicted of a crime listed in paragraph (1) of subdivision~~
10 ~~(a) of Section 290.4, a law enforcement agency may,~~
11 ~~notwithstanding any other provision of law, provide any of the~~
12 ~~information specified in paragraph (4) of this subdivision about~~
13 ~~that registered sex offender that the agency deems relevant and~~
14 ~~necessary to protect the public, to the following persons, agencies,~~
15 ~~or organizations the offender is likely to encounter, including, but~~
16 ~~not limited to, the following:~~

17 ~~(A) Public and private educational institutions, day care~~
18 ~~establishments, and establishments and organizations that~~
19 ~~primarily serve individuals likely to be victimized by the offender.~~

20 ~~(B) Other community members at risk.~~

21 ~~(2) The law enforcement agency may authorize persons and~~
22 ~~entities who receive the information pursuant to paragraph (1) to~~
23 ~~disclose information to additional persons only if the agency does~~
24 ~~the following:~~

25 ~~(A) Determines that all conditions set forth in paragraph (1)~~
26 ~~have been satisfied regarding disclosure to the additional persons.~~

27 ~~(B) Identifies the appropriate scope of further disclosure.~~

28 ~~(3) Persons notified pursuant to paragraph (1) may disclose the~~
29 ~~information provided by the law enforcement agency in the~~
30 ~~manner and to the extent authorized by the law enforcement~~
31 ~~agency.~~

32 ~~(4) The information that may be disclosed pursuant to this~~
33 ~~section includes the following:~~

34 ~~(A) The offender's full name.~~

35 ~~(B) The offender's known aliases.~~

36 ~~(C) The offender's gender.~~

37 ~~(D) The offender's race.~~

38 ~~(E) The offender's physical description.~~

39 ~~(F) The offender's photograph.~~

40 ~~(G) The offender's date of birth.~~

1 ~~(H) Crimes resulting in registration under this section.~~

2 ~~(I) The offender's address, which must be verified prior to~~
3 ~~publication.~~

4 ~~(J) Description and license plate number of offender's vehicles~~
5 ~~or vehicles the offender is known to drive.~~

6 ~~(K) Type of victim targeted by the offender.~~

7 ~~(L) Relevant parole or probation conditions, such as one~~
8 ~~prohibiting contact with children.~~

9 ~~(M) Dates of crimes resulting in classification under this~~
10 ~~section.~~

11 ~~(N) Date of release from confinement.~~

12 ~~(O) The offender's enrollment, employment, or vocational~~
13 ~~status with any university, college, community college, or other~~
14 ~~institution of higher learning.~~

15 ~~However, information disclosed pursuant to this subdivision~~
16 ~~shall not include information that would identify the victim.~~

17 ~~(5) If a law enforcement agency discloses information pursuant~~
18 ~~to this subdivision, it shall include, with the disclosure, a statement~~
19 ~~that the purpose of the release of the information is to allow~~
20 ~~members of the public to protect themselves and their children~~
21 ~~from sex offenders.~~

22 ~~(6) For purposes of this section, "likely to encounter" means~~
23 ~~both of the following:~~

24 ~~(A) That the agencies, organizations, or other community~~
25 ~~members are in a location or in close proximity to a location where~~
26 ~~the offender lives or is employed, or that the offender visits or is~~
27 ~~likely to visit on a regular basis.~~

28 ~~(B) The types of interaction that ordinarily occur at that~~
29 ~~location and other circumstances indicate that contact with the~~
30 ~~offender is reasonably probable.~~

31 ~~(7) For purposes of this section, "reasonably suspects" means~~
32 ~~that it is objectively reasonable for a peace officer to entertain a~~
33 ~~suspicion, based upon facts that could cause a reasonable person~~
34 ~~in a like position, drawing when appropriate on his or her training~~
35 ~~and experience, to suspect that a child or other person is at risk.~~

36 ~~(8) For purposes of this section, "at risk" means a person is or~~
37 ~~may be exposed to a risk of becoming a victim of a sex offense~~
38 ~~committed by the offender.~~

~~(9) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.~~

~~(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.~~

~~(1) For purposes of this subdivision:~~

~~(A) A high-risk sex offender is a person who has been convicted of an offense specified in paragraph (1) of subdivision (a) of Section 290.4, and also meets one of the following criteria:~~

~~(i) Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.~~

~~(ii) Has been convicted of two violent sex offenses and one or more violent nonsex offenses, at least two of which were brought and tried separately.~~

~~(iii) Has been convicted of one violent sex offense and two or more violent nonsex offenses, at least two of which were brought and tried separately.~~

~~(iv) Has been convicted of either two violent sex offenses or one violent sex offense and one violent nonsex offense, at least two of which were brought and tried separately, and has been arrested on separate occasions for three or more violent sex offenses, violent nonsex offenses, or associated offenses.~~

~~(v) Has been adjudicated a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.~~

~~(B) A violent sex offense means any offense defined in Section 220, except attempt to commit mayhem, or Section 261, 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily injury during the commission of a sex offense, as provided in Section 12022.8.~~

~~(C) A violent nonsex offense means any offense defined in Section 187, subdivision (a) of Section 192, or Section 203, 206, 207, or 236, provided that the offense is a felony, subdivision (a) of Section 273a, Section 273d or 451, or attempted murder, as defined in Sections 187 and 664.~~

~~(D) An associated offense means any offense defined in Section 243.4, provided that the offense is a felony, Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,~~

1 provided the offense is of the first degree, Section 597 or 646.9,
2 subdivision (d), (h), or (i) of Section 647, Section 653m, or
3 infliction of great bodily injury during the commission of a felony,
4 as defined in Section 12022.7.

5 (E) For purposes of subparagraphs (B) to (D), inclusive, an
6 arrest or conviction for the statutory predecessor of any of the
7 enumerated offenses, or an arrest or conviction in any other
8 jurisdiction for any offense that, if committed or attempted in this
9 state, would have been punishable as one or more of the offenses
10 described in those subparagraphs, is to be considered in
11 determining whether an offender is a high-risk sex offender.

12 (F) For purposes of subparagraphs (B) to (D), inclusive, an
13 arrest as a juvenile or an adjudication as a ward of the juvenile
14 court within the meaning of Section 602 of the Welfare and
15 Institutions Code for any of the offenses described in those
16 subparagraphs is to be considered in determining whether an
17 offender is a high-risk sex offender.

18 (G) Notwithstanding subparagraphs (A) to (D), inclusive, an
19 offender shall not be considered to be a high-risk sex offender if
20 either of the following apply:

21 (i) The offender's most recent conviction or arrest for an
22 offense described in subparagraphs (B) to (D), inclusive, occurred
23 more than five years prior to the high-risk assessment by the
24 Department of Justice, excluding periods of confinement.

25 (ii) The offender notifies the Department of Justice, on a form
26 approved by the department and available at any sheriff's office,
27 that he or she has not been convicted in the preceding 15 years,
28 excluding periods of confinement, of an offense for which
29 registration is required under paragraph (2) of subdivision (a), and
30 the department is able, upon exercise of reasonable diligence, to
31 verify the information provided in paragraph (2).

32 (H) "Confinement" means confinement in a jail, prison,
33 school, road camp, or other penal institution, confinement in a
34 state hospital to which the offender was committed as a mentally
35 disordered sex offender under Article 1 (commencing with
36 Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
37 and Institutions Code, or confinement in a facility designated by
38 the Director of Mental Health to which the offender was
39 committed as a sexually violent predator under Article 4

1 ~~(commencing with Section 6600) of Chapter 2 of Part 2 of~~
2 ~~Division 6 of the Welfare and Institutions Code.~~

3 ~~(1) “Designated law enforcement entity” means any of the~~
4 ~~following: municipal police department; sheriff’s department;~~
5 ~~district attorney’s office; county probation department;~~
6 ~~Department of Justice; Department of Corrections; Department of~~
7 ~~the Youth Authority; Department of the California Highway~~
8 ~~Patrol; or the police department of any campus of the University~~
9 ~~of California, California State University, or community college.~~

10 ~~(2) The Department of Justice shall continually search the~~
11 ~~records provided to it pursuant to subdivision (b) and identify, on~~
12 ~~the basis of those records, high-risk sex offenders. Four times each~~
13 ~~year, the department shall provide to each chief of police and~~
14 ~~sheriff in the state, and to any other designated law enforcement~~
15 ~~entity upon request, the following information regarding each~~
16 ~~identified high-risk sex offender: full name; known aliases;~~
17 ~~gender; race; physical description; photograph; date of birth; and~~
18 ~~crimes resulting in classification under this section.~~

19 ~~(3) The Department of Justice and any designated law~~
20 ~~enforcement entity to which notice has been given pursuant to~~
21 ~~paragraph (2) may cause to be made public, by whatever means the~~
22 ~~agency deems necessary to ensure the public safety, based upon~~
23 ~~information available to the agency concerning a specific person,~~
24 ~~including, but not limited to, the information described in~~
25 ~~paragraph (2); the offender’s address, which shall be verified prior~~
26 ~~to publication; description and license plate number of the~~
27 ~~offender’s vehicles or vehicles the offender is known to drive; type~~
28 ~~of victim targeted by the offender; relevant parole or probation~~
29 ~~conditions, such as one prohibiting contact with children; dates of~~
30 ~~crimes resulting in classification under this section; and date of~~
31 ~~release from confinement; but excluding information that would~~
32 ~~identify the victim.~~

33 ~~(4) Notwithstanding any other provision of law, any person~~
34 ~~described in paragraph (2) of subdivision (p) who receives~~
35 ~~information from a designated law enforcement entity pursuant to~~
36 ~~paragraph (3) may disclose that information in the manner and to~~
37 ~~the extent authorized by the law enforcement entity.~~

38 ~~(5) The law enforcement agency may authorize persons and~~
39 ~~entities who receive the information pursuant to paragraph (3) to~~

~~disclose information to additional persons only if the agency does the following:~~

~~(A) Determines that all conditions set forth in this subdivision have been satisfied regarding disclosure to the additional persons.~~

~~(B) Identifies the appropriate scope of further disclosure.~~

~~(c) Agencies disseminating information to the public pursuant to Section 290.4 shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years. Agencies disseminating information to the public pursuant to subdivision (n) shall maintain records of the means and dates of dissemination for a minimum of five years.~~

~~(p) (1) Any law enforcement agency and employees of any law enforcement agency shall be immune from liability for good faith conduct under this section. For the purposes of this section, "law enforcement agency" means the Attorney General of California, every district attorney, the Department of Corrections, the Department of the Youth Authority, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.~~

~~(2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (m) or paragraph (4) of subdivision (n) that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.~~

~~(q) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.~~

~~(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).~~

~~(r) The registration and public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every~~

1 offense described in this section, regardless of when it was
2 committed.

3 *SEC. 2.* Section 290.3 of the Penal Code is amended to read:

4 290.3. (a) Every person who is convicted of any offense
5 specified in subdivision (a) of Section 290 shall, in addition to any
6 imprisonment or fine, or both, imposed for commission of the
7 underlying offense, be punished by a fine of three hundred dollars
8 (\$300) upon the first conviction or a fine of five hundred dollars
9 (\$500) upon the second and each subsequent conviction, unless the
10 court determines that the defendant does not have the ability to pay
11 the fine.

12 An amount equal to all fines collected pursuant to this
13 subdivision during the preceding month upon conviction of, or
14 upon the forfeiture of bail by, any person arrested for, or convicted
15 of, committing an offense specified in subdivision (a) of Section
16 290, shall be transferred once a month by the county treasurer to
17 the Controller for deposit in the General Fund. Moneys deposited
18 in the General Fund pursuant to this subdivision shall be
19 transferred by the Controller as provided in subdivision (b).

20 (b) Out of the moneys deposited pursuant to subdivision (a) as
21 a result of second and subsequent convictions of Section 290,
22 one-third shall first be transferred to the Department of Justice
23 Sexual Habitual Offender Fund, as provided in paragraph (1) of
24 this subdivision. Out of the remainder of all moneys deposited
25 pursuant to subdivision (a), 50 percent shall be transferred to the
26 Department of Justice Sexual Habitual Offender Fund, as provided
27 in paragraph (1), 25 percent shall be transferred to the Department
28 of Justice DNA Testing Fund, as provided in paragraph (2), and 25
29 percent shall be allocated equally to counties that maintain a local
30 DNA testing laboratory, as provided in paragraph (3).

31 (1) Those moneys so designated shall be transferred to the
32 Department of Justice Sexual Habitual Offender Fund created
33 pursuant to paragraph (5) of subdivision (b) of Section 11170 and,
34 when appropriated by the Legislature, shall be used for the
35 purposes of Chapter 9.5 (commencing with Section 13885) and
36 Chapter 10 (commencing with Section 13890) of Title 6 of Part 4
37 for the purpose of monitoring, apprehending, and prosecuting
38 sexual habitual offenders.

39 (2) Those moneys so designated shall be directed to the
40 Department of Justice and transferred to the Department of Justice

1 DNA Testing Fund, which is hereby created, for the exclusive
2 purpose of testing deoxyribonucleic acid (DNA) samples for law
3 enforcement purposes. The moneys in that fund shall be available
4 for expenditure upon appropriation by the Legislature.

5 (3) Those moneys so designated shall be allocated equally and
6 distributed quarterly to counties that maintain a local DNA testing
7 laboratory. Before making any allocations under this paragraph,
8 the Controller shall deduct the estimated costs that will be incurred
9 to set up and administer the payment of these funds to the counties.
10 Any funds allocated to a county pursuant to this paragraph shall be
11 used by that county for the exclusive purpose of testing DNA
12 samples for law enforcement purposes.

13 (c) Notwithstanding any other provision of this section, the
14 Department of Corrections or the Department of the Youth
15 Authority may collect a fine imposed pursuant to this section from
16 a person convicted of a violation of any offense listed in
17 subdivision (a) of Section 290, that results in incarceration in a
18 facility under the jurisdiction of the Department of Corrections or
19 the Department of the Youth Authority. All moneys collected by
20 the Department of Corrections or the Department of the Youth
21 Authority under this subdivision shall be transferred, once a
22 month, to the Controller for deposit in the General Fund, as
23 provided in subdivision (a), for transfer by the Controller, as
24 provided in subdivision (b).

25 *SEC. 3. Section 290.4 of the Penal Code is amended to read:*

26 290.4. (a) (1) The Department of Justice shall continually
27 compile information as described in paragraph (2) regarding any
28 person required to register under Section 290 for a conviction of
29 Section 207 or 209 committed with the intent to violate Section
30 261, 286, 288, 288a, or 289; Section 220, except assault to commit
31 mayhem; Section 243.4, provided that the offense is a felony;
32 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;
33 Section 264.1; Section 266, provided that the offense is a felony;
34 Section 266c, provided that the offense is a felony; Section 266j;
35 Section 267; Section 269; paragraph (1) of subdivision (b) of
36 Section 286, provided that the offense is a felony; paragraph (2)
37 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
38 Section 286; Section 288; paragraph (1) of subdivision (b) of
39 Section 288a, provided that the offense is a felony; paragraph (2)
40 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;

Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of Section 289, provided that the offense is a felony; subdivision (i) or (j) of Section 289; Section 647.6; or the attempted commission of any of these offenses; or the statutory predecessor of any of these offenses or any offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in this section. This requirement shall not be applied to a person whose duty to register has been terminated pursuant to paragraph (5) of subdivision (d) of Section 290, or to a person who has been relieved of his or her duty to register under Section 290.5.

(2) The information shall be categorized by community of residence and ZIP Code. The information shall include the names and known aliases of the person, photograph, a physical description, gender, race, date of birth, the criminal history, and the address, including ZIP Code, in which the person resides, and any other information that the Department of Justice deems relevant, not including information that would identify the victim.

(3) The department shall operate a “900” telephone number that members of the public may call and inquire whether a named individual is listed among those described in this subdivision. The caller shall furnish his or her first name, middle initial, and last name. The department shall ascertain whether a named person reasonably appears to be a person so listed and provide the caller with the information described in paragraph (2), except the department shall not disclose the name or address of a listed person’s employer, or the street address or criminal history of a person listed, except to disclose the ZIP Code area in which the person resides and to describe the specific crimes for which the registrant was required to register. The department shall decide whether the named person reasonably appears to be a person listed, based upon information from the caller providing information that shall include (A) an exact street address, including apartment number, social security number, California driver’s license or identification number, or birth date along with additional information that may include any of the following: name, hair color, eye color, height, weight, distinctive markings, ethnicity; or (B) any combination of at least six of the above listed characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color,

1 and eye color, a seventh identifying characteristic shall be
2 provided. Any information identifying the victim by name, birth
3 date, address, or relation to the registrant shall be excluded by the
4 department.

5 (4) (A) ~~On or before July 1, 1997, the~~ *The* department shall
6 provide ~~a CD-ROM or other~~, by electronic medium ~~containing~~,
7 the information described in paragraph (2), except the name or
8 address of a listed person's employer, or the listed person's street
9 address and criminal history other than the specific crimes for
10 which the person was required to register, for all persons described
11 in paragraph (1) of subdivision (a), and shall update and ~~distribute~~
12 ~~the CD-ROM or other~~ *provide access to the information provided*
13 *by electronic medium on a monthly basis* to the sheriff's
14 department in each county, municipal police departments of cities
15 with a population of more than 200,000, and each ~~law enforcement~~
16 ~~agency listed in subparagraph (I) of paragraph (1) of subdivision~~
17 ~~(n) of Section 290. These law enforcement agencies may obtain~~
18 ~~additional copies by purchasing a yearly subscription to the~~
19 ~~CD-ROM or other electronic medium from the Department of~~
20 ~~Justice for a yearly subscription fee~~ *designated law enforcement*
21 *entity except those included only as agencies authorized to*
22 *investigate or prosecute law violators.* The Department of Justice,
23 the sheriff's departments, and the municipal police departments of
24 cities with a population of more than 200,000 shall make, and the
25 other law enforcement ~~agencies~~ *entities* may make, the ~~CD-ROM~~
26 ~~or other information provided by~~ electronic medium available for
27 viewing by the public in accordance with the following: The
28 ~~agency~~ *entity* may require that a person applying to view the
29 ~~CD-ROM or other information provided by~~ electronic medium
30 express an articulable purpose in order to have access thereto. The
31 applicant shall provide identification in the form of a California
32 driver's license, California identification card, or military
33 identification card and orders with proof of permanent assignment
34 or attachment to a military command or vessel in California,
35 showing the applicant to be at least 18 years of age. The applicant
36 shall sign a statement, on a form provided by the Department of
37 Justice, stating that the applicant is not a registered sex offender,
38 that he or she understands the purpose of the release of information
39 is to allow members of the public to protect themselves and their
40 children from sex offenders, and he or she understands it is

unlawful to use information obtained from the ~~CD-ROM or other~~ electronic medium to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the ~~designated~~ law enforcement ~~agency's~~ *entity's* office *for a minimum of five years*. A person under 18 years of age may accompany an applicant who is that person's parent or legal guardian for the purpose of viewing the ~~CD-ROM or other~~ *information provided by* electronic medium.

(B) The records of persons requesting to view the ~~CD-ROM or other~~ *information provided by* electronic medium are confidential, except that a copy of the applications requesting to view the ~~CD-ROM or other~~ *information provided by* electronic medium may be disclosed to law enforcement agencies for law enforcement purposes.

(C) Any information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the ~~CD-ROM or other~~ *information provided by* electronic medium.

(5) (A) The income from the operation of the "900" telephone number shall be deposited in the Sexual Predator Public Information Account, ~~which is hereby established~~ within the Department of Justice for the purpose of the implementation of this section by the Department of Justice, including all actual and reasonable costs related to establishing and maintaining the information described in ~~subdivision (a)~~ *paragraph (2)* and the ~~CD-ROM or other~~ *distribution of information by* electronic medium described in this subdivision.

(B) The moneys in the Sexual Predator Public Information Account shall consist of income from the operation of the "900" telephone number program authorized by this section, proceeds of the loan made pursuant to Section 6 of the act adding this section, and any other funds made available to the account by the Legislature. Moneys in the account shall be available to the Department of Justice upon appropriation by the Legislature for the purpose specified in subparagraph (A).

(C) When the "900" telephone number is called, a preamble shall be played before charges begin to accrue. The preamble shall run at least the length of time required by federal law and shall provide the following information:

(i) Notice that the caller's telephone number will be recorded.

- 1 (ii) The charges for use of the “900” telephone number.
2 (iii) Notice that the caller is required to identify himself or
3 herself to the operator.
4 (iv) Notice that the caller is required to be 18 years of age or
5 older.
6 (v) A warning that it is illegal to use information obtained
7 through the “900” telephone number to commit a crime against
8 any registrant or to engage in illegal discrimination or harassment
9 against any registrant.
10 (vi) Notice that the caller is required to have the birth date,
11 California driver’s license or identification number, social security
12 number, address, or other identifying information regarding the
13 person about whom information is sought in order to achieve a
14 positive identification of that person.
15 (vii) A statement that the number is not a crime hotline and that
16 any suspected criminal activity should be reported to local
17 authorities.
18 (viii) A statement that the caller should have a reasonable
19 suspicion that a person is at risk.
20 (D) The Department of Justice shall expend no more than six
21 hundred thousand dollars (\$600,000) per year from any moneys
22 appropriated by the Legislature from the account.
23 (b) (1) Any person who uses information disclosed pursuant to
24 this section to commit a felony shall be punished, in addition and
25 consecutive to, any other punishment, by a five-year term of
26 imprisonment in the state prison.
27 (2) Any person who, without authorization, uses information
28 disclosed pursuant to this section to commit a misdemeanor shall
29 be subject to, in addition to any other penalty or fine imposed, a
30 fine of not less than five hundred dollars (\$500) and not more than
31 one thousand dollars (\$1,000).
32 (c) The record of the compilation of offender information ~~on~~
33 ~~each CD-ROM or other distributed by~~ electronic medium
34 ~~distributed pursuant to as provided by this section~~ shall be used
35 only for law enforcement purposes and the public safety purposes
36 specified in this section ~~and, Section 290, and Section 290.45.~~
37 This record shall not be distributed or removed from the custody
38 of the law enforcement agency that is authorized to retain it.
39 Information obtained from this record shall be disclosed to a

member of the public only as provided in this section or, Section 290, *Section 290.45*, or any other statute expressly authorizing it.

Any person who copies, distributes, discloses, or receives this record or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. This subdivision shall not apply to a law enforcement officer who makes a copy as part of his or her official duties in the course of a criminal investigation, court case, or as otherwise authorized by subdivision (n) of Section 290.45. This subdivision shall not prohibit copying information by handwriting.

Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(d) Unauthorized removal or destruction of the ~~CD-ROM or other information or the equipment for providing information by~~ electronic medium from the offices of any law enforcement agency or entity, including removing or tampering with any enabling software or other property used to assist in providing this information by electronic medium, is a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes of relating to any of the following is prohibited:

(A) Health insurance.

1 (B) Insurance.

2 (C) Loans.

3 (D) Credit.

4 (E) Employment.

5 (F) Education, scholarships, or fellowships.

6 (G) Housing or accommodations.

7 (H) Benefits, privileges, or services provided by any business
8 establishment.

9 (3) (A) Any use of information disclosed pursuant to this
10 section for purposes other than those provided by paragraph (1) of
11 subdivision (e) or in violation of paragraph (2) of subdivision (e)
12 shall make the user liable for the actual damages, and any amount
13 that may be determined by a jury or a court sitting without a jury,
14 not exceeding three times the amount of actual damage, and not
15 less than two hundred fifty dollars (\$250), and attorney's fees,
16 exemplary damages, or a civil penalty not exceeding twenty-five
17 thousand dollars (\$25,000).

18 (B) Whenever there is reasonable cause to believe that any
19 person or group of persons is engaged in a pattern or practice of
20 misuse of the "900" telephone number in violation of paragraph
21 (2) of subdivision (e), the Attorney General, any district attorney,
22 or city attorney, or any person aggrieved by the misuse of that
23 number is authorized to bring a civil action in the appropriate court
24 requesting preventive relief, including an application for a
25 permanent or temporary injunction, restraining order, or other
26 order against the person or group of persons responsible for the
27 pattern or practice of misuse. The foregoing remedies shall be
28 independent of any other remedies or procedures that may be
29 available to an aggrieved party under other provisions of law,
30 including Part 2 (commencing with Section 43) of Division 1 of
31 the Civil Code.

32 (f) This section shall not be deemed to authorize the
33 publication, distribution, or disclosure of the address of any person
34 about whom information can be published, distributed, or
35 disclosed pursuant to this section.

36 (g) *For purposes of this section, "designated law enforcement*
37 *entity" means any of the following: municipal police department;*
38 *sheriff's department; district attorney's office; county probation*
39 *department; Department of Justice; Department of Corrections;*
40 *Department of the Youth Authority; Department of the California*

1 *Highway Patrol; or the police department of any campus of the*
2 *University of California, California State University, or*
3 *community college; and every federal, state or local agency*
4 *expressly authorized by statute to investigate or prosecute law*
5 *violators.*

6 (h) Community notification shall be governed by subdivisions
7 ~~(m) and (n) of Section 290 290.45.~~

8 ~~(h) The Department of Justice shall submit to the Legislature~~
9 ~~an annual report on the operation of the “900” telephone number~~
10 ~~required by paragraph (3) of subdivision (a) on July 1, 1996, July~~
11 ~~1, 1997, and July 1, 1998. The annual report shall include all of the~~
12 ~~following:~~

13 ~~(1) Number of calls received.~~

14 ~~(2) Amount of income earned per year through operation of the~~
15 ~~“900” telephone number.~~

16 ~~(3) A detailed outline of the amount of money expended and the~~
17 ~~manner in which it was expended for purposes of this section.~~

18 ~~(4) Number of calls that resulted in an affirmative response and~~
19 ~~the number of calls that resulted in a negative response with regard~~
20 ~~to whether a named individual was listed pursuant to subdivision~~
21 ~~(a).~~

22 ~~(5) Number of persons listed pursuant to subdivision (a).~~

23 ~~(6) A summary of the success of the “900” telephone number~~
24 ~~program based upon selected factors.~~

25 (i) Any *designated* law enforcement ~~agency entity~~ and
26 employees of any *designated* law enforcement ~~agency entity~~ shall
27 be immune from liability for good faith conduct under this section.
28 For the purposes of this section, “law enforcement agency” means
29 the Attorney General of California, every district attorney, the
30 Department of Corrections, the Department of the Youth
31 Authority, and every state or local agency expressly authorized by
32 statute to investigate or prosecute law violators.

33 ~~(j) On or before July 1, 2000, the Department of Justice shall~~
34 ~~make a report to the Legislature concerning the changes to the~~
35 ~~operation of the “900” telephone number program made by the~~
36 ~~amendments to this section by Chapter 908 of the Statutes of 1996.~~
37 ~~The report shall include all of the following:~~

38 ~~(1) Number of calls received by county.~~

39 ~~(2) Number of calls that resulted in an affirmative response and~~
40 ~~the number of calls that resulted in a negative response with regard~~

1 ~~to whether a named individual was listed pursuant to subdivision~~
2 ~~(a).~~

3 ~~(3) Number of persons listed pursuant to subdivision (a).~~

4 ~~(4) Statistical information concerning prosecutions of persons~~
5 ~~for misuse of the “900” telephone number program, including the~~
6 ~~outcomes of those prosecutions.~~

7 ~~(5) A summary of the success of the “900” telephone number~~
8 ~~based upon selected factors.~~

9 ~~(k) The registration and public notification provisions of this~~
10 ~~section are~~

11 ~~(j) This section is applicable to every person described in these~~
12 ~~sections this section, without regard to when his or her crimes were~~
13 ~~committed or his or her duty to register pursuant to this section~~
14 ~~arose, and to every offense described in these sections, regardless~~
15 ~~of when it was committed.~~

16 ~~(l) No later than December 31, 1998, the~~

17 ~~(k) The Department of Justice shall prepare~~ *make available* an
18 informational pamphlet that shall be mailed to any member of the
19 public who makes an inquiry using the “900” telephone number
20 required by this section and who provides an address. The
21 pamphlet shall provide basic information concerning appropriate
22 steps parents, guardians, and other responsible adults can take to
23 ensure a child is safe from a suspected child molester, including,
24 but not limited to, how to identify suspicious activity by an adult,
25 common facts and myths about child molesters, and how to obtain
26 additional help and information. A notice to callers to the “900”
27 telephone number that they will receive the pamphlet, if an address
28 is provided, shall be included in the preamble required by this
29 section.

30 ~~(m) On or before July 1, 2001, and every year thereafter, the~~

31 ~~(l) The Department of Justice shall make a~~ *an annual* report to
32 the Legislature concerning the operation of this section.

33 ~~(n)~~

34 ~~(m) This section shall remain operative only until January 1,~~
35 ~~2004 July 1, 2005, and as of that date January 1, 2006, is repealed,~~
36 ~~unless a later enacted statute, which becomes effective on or before~~
37 ~~that date that is enacted before January 1, 2006, deletes or extends~~
38 ~~that date the dates on which it becomes inoperative and is~~
39 ~~repealed.~~

40 *SEC. 4. Section 290.4 is added to the Penal Code, to read:*

1 290.4. (a) (1) *The Department of Justice shall continually*
2 *compile information as described in subdivision (b) regarding any*
3 *person required to register under Section 290 for a conviction of*
4 *Section 207 or 209 committed with the intent to violate Section*
5 *261, 286, 288, 288a, or 289; Section 220, except assault to commit*
6 *mayhem; Section 243.4, provided that the offense is a felony;*
7 *paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;*
8 *Section 264.1; Section 266, provided that the offense is a felony;*
9 *Section 266c, provided that the offense is a felony; Section 266j;*
10 *Section 267; Section 269; paragraph (1) of subdivision (b) of*
11 *Section 286, provided that the offense is a felony; paragraph (2)*
12 *of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of*
13 *Section 286; Section 288; paragraph (1) of subdivision (b) of*
14 *Section 288a, provided that the offense is a felony; paragraph (2)*
15 *of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;*
16 *Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of*
17 *Section 289, provided that the offense is a felony; subdivision (i)*
18 *or (j) of Section 289; Section 647.6; or the attempted commission*
19 *of any of these offenses; or the statutory predecessor of any of these*
20 *offenses or any offense which, if committed or attempted in this*
21 *state, would have been punishable as one or more of the offenses*
22 *described in this section.*

23 (2) *This requirement shall be applied to every person described*
24 *in paragraph (1) without regard to when his or her crimes were*
25 *committed or his or her duty to register pursuant to Section 290*
26 *arose, and to every offense described in paragraph (1) regardless*
27 *of when it was committed, except that this requirement shall not be*
28 *applied to a person whose duty to register has been terminated*
29 *pursuant to paragraph (5) of subdivision (d) of Section 290, or to*
30 *a person who has been relieved of his or her duty to register under*
31 *Section 290.5.*

32 (b) *The information shall be categorized by county, community*
33 *of residence, and ZIP Code, and shall include the items listed in*
34 *paragraphs (1) and (2).*

35 (1) *The names and known aliases of the person, photograph, a*
36 *physical description, gender, race, date of birth, the specific crimes*
37 *for which the person was required to register, and any other*
38 *information that the Department of Justice deems relevant and*
39 *feasible, except for those items in paragraph (2).*

(2) *The criminal history of the person other than the specific crimes for which the person was required to register, the addresses and locations, including ZIP Code, at which the person resides or is located, the name of the person's employer, the address at which the person is employed, a description and license plate numbers of the offender's vehicles or vehicles the offender is known to drive, the offender's enrollment, employment, volunteer or vocational status with any university, college, community college, or other institution of higher learning.*

(c) *The department shall provide, by electronic medium, the information described in subdivision (b) to law enforcement agencies as defined in subdivision (k).*

(d) (1) *The department shall provide, and update on an ongoing basis, an Internet Web site covering all persons about whom the department is required by paragraph (1) of subdivision (a) to compile information. The Web site shall contain the information described in paragraph (1) of subdivision (b), as determined by the department to be feasible to put on the Web site. However, any information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Web site.*

(2) *The Web site shall be translated into languages other than English as determined by the department.*

(e) (1) *A person visiting the Web site shall be required to enter his or her name and indicate that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders, and he or she understands it is unlawful to use information obtained from the Web site to commit a crime against any registrant or to engage in illegal discrimination against or harassment of any registrant. The visitor's name and electronic acknowledgement of the conditions for viewing the Web site shall be maintained by the department for two years. The Web site shall be translated into languages other than English as determined by the department.*

(2) *The records of persons visiting the Web site are confidential, except that the names and other identifying information pertaining to visitors accessing the Web site may be disclosed to law enforcement agencies for law enforcement purposes.*

(f) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Any person who is required to register pursuant to Section 290 shall not enter the Web site, and a violation of this prohibition is a misdemeanor.

(g) Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(h) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes of relating to any of the following is prohibited:

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

(H) Benefits, privileges, or services provided by any business establishment.

(3) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the

1 actual damages, and any amount that may be determined by a jury
2 or a court sitting without a jury, not exceeding three times the
3 amount of actual damage, and not less than two hundred fifty
4 dollars (\$250), and attorney's fees, exemplary damages, or a civil
5 penalty not exceeding twenty-five thousand dollars (\$25,000).

6 (B) Whenever there is reasonable cause to believe that any
7 person or group of persons is engaged in a pattern or practice of
8 misuse of the information on the Web site in violation of paragraph
9 (2), the Attorney General, any district attorney, or city attorney, or
10 any person aggrieved by the misuse of that information is
11 authorized to bring a civil action in the appropriate court
12 requesting preventive relief, including an application for a
13 permanent or temporary injunction, restraining order, or other
14 order against the person or group of persons responsible for the
15 pattern or practice of misuse. The foregoing remedies shall be
16 independent of any other remedies or procedures that may be
17 available to an aggrieved party under other provisions of law,
18 including Part 2 (commencing with Section 43) of Division 1 of the
19 Civil Code.

20 (i) The Department of Justice shall submit to the Legislature an
21 annual report on the operation of the Web site beginning on July
22 1, 2006. The annual report shall include all of the following:

23 (1) Number of hits received.

24 (2) A detailed outline of the amount of money expended and the
25 manner in which it was expended for purposes of this section.

26 (3) A summary of the success of the Web site based upon
27 selected factors.

28 (4) Information provided to the Department of Justice from
29 local law enforcement agencies concerning allegations against,
30 and investigations and prosecutions of, persons for misuse of the
31 information contained on the Web site, pursuant to subdivision (d),
32 including the outcomes of those allegations, investigations, and
33 prosecutions.

34 (j) Any law enforcement agency and employees of any law
35 enforcement agency shall be immune from liability for good faith
36 conduct under this section.

37 (k) For the purposes of this section, "law enforcement agency"
38 means any of the following: a municipal police department;
39 sheriff's department; district attorney's office; county probation
40 department; the Department of Justice; Department of

1 *Corrections; Department of the Youth Authority; Department of*
2 *the California Highway Patrol; the police department of any*
3 *campus of the University of California, California State*
4 *University, or community college; and every federal, state or local*
5 *agency expressly authorized by statute to investigate or prosecute*
6 *law violators.*

7 *(l) This section shall become operative on July 1, 2005.*

8 *(m) This section shall become inoperative on July 1, 2008, and,*
9 *as of January 1, 2009, is repealed, unless a later enacted statute*
10 *that is enacted before January 1, 2009, deletes or extends the dates*
11 *on which it becomes inoperative and is repealed.*

12 *SEC. 5. Section 290.41 is added to the Penal Code, to read:*

13 *290.41. (a) Agencies that disseminate information to the*
14 *public pursuant to Section 290.4 as it existed prior to July 1, 2005,*
15 *shall maintain records of those persons requesting to view the*
16 *information provided by CD-ROM or other electronic media for*
17 *a minimum of five years.*

18 *(b) This section shall remain in effect only until January 1,*
19 *2010, and as of that date is repealed, unless a later enacted statute,*
20 *that is enacted before January 1, 2010, deletes or extends that date.*

21 *SEC. 6. Section 290.45 is added to the Penal Code, to read:*

22 *290.45. (a) (1) When a peace officer reasonably suspects,*
23 *based on information that has come to his or her attention through*
24 *information provided by any peace officer or member of the public,*
25 *that a child or other person may be at risk from a sex offender*
26 *required to register pursuant to Section 290, a designated law*
27 *enforcement entity may, notwithstanding any other provision of*
28 *law, provide any of the information specified in paragraph (2) that*
29 *the entity deems relevant and necessary to protect the public, to the*
30 *following persons, agencies, or organizations:*

31 *(A) Public and private educational institutions, day care*
32 *establishments, and establishments and organizations that*
33 *primarily serve individuals likely to be victimized by the offender.*

34 *(B) Other community members at risk.*

35 *(2) The information that may be disclosed includes the*
36 *following:*

37 *(A) The offender's full name.*

38 *(B) The offender's known aliases.*

39 *(C) The offender's gender.*

40 *(D) The offender's race.*

- 1 (E) *The offender's physical description.*
2 (F) *The offender's photograph.*
3 (G) *The offender's date of birth.*
4 (H) *Crimes resulting in registration under this section.*
5 (I) *The offender's address, which must be verified prior to*
6 *publication.*
7 (J) *Description and license plate number of offender's vehicles*
8 *or vehicles the offender is known to drive.*
9 (K) *Type of victim targeted by the offender.*
10 (L) *Relevant parole or probation conditions, such as one*
11 *prohibiting contact with children.*
12 (M) *Dates of crimes resulting in classification under this*
13 *section.*
14 (N) *Date of release from confinement.*
15 (O) *The offender's enrollment, employment, volunteer, or*
16 *vocational status with any university, college, community college,*
17 *or other institution of higher learning.*
18 (P) *The date of last registration or reregistration.*
19 (Q) *Whether the person is in violation of the requirements of*
20 *Section 290. However, information disclosed pursuant to this*
21 *subdivision shall not include information that would identify the*
22 *victim.*
23 (3) *If a law enforcement entity discloses information pursuant*
24 *to this subdivision, it shall include, with the disclosure, a statement*
25 *that the purpose of the release of the information is to allow*
26 *members of the public to protect themselves and their children from*
27 *sex offenders.*
28 (4) *The law enforcement entity may authorize persons,*
29 *establishments, and organizations receiving information pursuant*
30 *to paragraph (1) to disclose information to additional persons*
31 *only if the law enforcement entity determines that all conditions set*
32 *forth in paragraph (1) have been satisfied regarding disclosure to*
33 *the additional persons, establishments, or organizations, and*
34 *identifies the appropriate scope of further disclosure.*
35 (5) *Law enforcement entities disseminating information to the*
36 *public pursuant to this section, or pursuant to subdivision (n) of*
37 *Section 290 as it existed prior to January 1, 2004, shall maintain*
38 *records of the means and dates of dissemination for a minimum of*
39 *five years.*

1 (6) Any law enforcement entity and employees of any law
2 enforcement entity shall be immune from liability for good faith
3 conduct under this section.

4 (b) (1) Persons notified pursuant to subdivision (a) may
5 disclose the information provided by the law enforcement entity in
6 the manner and to the extent authorized by the law enforcement
7 entity.

8 (2) Any public or private educational institution, day care
9 establishment, employee of a public or private educational
10 institution or day care establishment, or child care custodian
11 described in Section 11165.7, that in good faith disseminates
12 information as authorized pursuant to paragraph (1) that is
13 provided by a law enforcement entity or an employee of a law
14 enforcement entity shall be immune from civil liability.

15 (c) (1) Any person who uses information disclosed pursuant to
16 this section to commit a felony shall be punished, in addition and
17 consecutive to, any other punishment, by a five-year term of
18 imprisonment in the state prison

19 (2) Any person who uses information disclosed pursuant to this
20 section to commit a misdemeanor shall be subject to, in addition
21 to any other penalty or fine imposed, a fine of not less than five
22 hundred dollars (\$500) and not more than one thousand dollars
23 (\$1,000).

24 (d) This section is applicable to every person described in
25 Section 290, without regard to when his or her crimes were
26 committed or his or her duty to register pursuant to this section
27 arose, and to every offense described in Section 290, regardless of
28 when it was committed.

29 (e) For purposes of this section, the following definitions
30 apply:

31 (1) "Reasonably suspects" means that it is objectively
32 reasonable for a peace officer to entertain a suspicion, based upon
33 facts that could cause a reasonable person in a like position,
34 drawing when appropriate on his or her training and experience,
35 to suspect that a child or other person is at risk.

36 (2) "At risk" means a person is or may be exposed to a risk of
37 becoming a victim of a sex offense committed by the offender.

38 (3) "Designated law enforcement entity" means any of the
39 following: municipal police department; sheriff's department;
40 district attorney's office; county probation department;

1 *Department of Justice; Department of Corrections; Department of*
2 *the Youth Authority; Department of the California Highway*
3 *Patrol; the police department of any campus of the University of*
4 *California, California State University, or community college;*
5 *and every federal, state or local agency expressly authorized by*
6 *statute to investigate or prosecute law violators.*

7 *SEC. 7. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution for*
9 *certain costs that may be incurred by a local agency or school*
10 *district because in that regard this act creates a new crime or*
11 *infraction, eliminates a crime or infraction, or changes the penalty*
12 *for a crime or infraction, within the meaning of Section 17556 of*
13 *the Government Code, or changes the definition of a crime within*
14 *the meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*

16 *However, notwithstanding Section 17610 of the Government*
17 *Code, if the Commission on State Mandates determines that this*
18 *act contains other costs mandated by the state, reimbursement to*
19 *local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code. If the statewide cost of the*
22 *claim for reimbursement does not exceed one million dollars*
23 *(\$1,000,000), reimbursement shall be made from the State*
24 *Mandates Claims Fund.*

